



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 407 OF 2025 (DELAY)
IN
CRIMINAL APPEAL (ST.) NO. 3810 OF 2025

AMOL DEVIDAS WAGHMARE

...**VERSUS**...

THE STATE OF MAHARASHTRA THR. PSO PS CHIKHLI, DIST. BULDHANA

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R.S.Gahilot, Advocate for applicant/appellant.
Ms. H.N.Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 02nd MAY, 2025

The present application is filed for condonation of delay, which is caused in preferring the appeal against the conviction.

2. The learned counsel for the applicant submitted that, as the applicant is behind the bar and there is nobody to look after towards his defence and therefore, he could not approach to his counsel and obtain the legal opinion about preferring of the appeal and therefore, the delay is caused.

3. Considering the reasons mentioned in the application and considering his statutory right of preferring the appeal, the present application is allowed. Delay is hereby condoned.

4. Accordingly, the application stands **disposed of**.

CRIMINAL APPLICATION (APPA) NO. 429 OF 2025

5. By this application, the applicant is seeking suspension of sentence and releasing him on bail.

6. The appellant is convicted for the offence punishable under Section 498-A of IPC and sentenced to undergo rigorous imprisonment for a period of 3 years and to pay fine of Rs. 2,000/-, in default to undergo rigorous imprisonment for 3 months.

7. The learned counsel for the applicant submitted that the punishment imposed is for a limited period. The appeal will take its own time for its final disposal. From the impugned judgment, he has pointed out that, he has many arguable points in the present appeal. In view of that, he pressed for suspension of sentence.

8. The learned APP strongly opposed for the same, on the ground that, the appeal itself is devoid of merit and therefore, the application for suspension of sentence deserves to be rejected.

9. On hearing both the sides and on perusal of the impugned judgment, from which, the learned counsel for the applicant pointed out that, he has many arguable points. Moreover, the punishment imposed is for a limited period. The appeal will take its own time for final disposal. In the meantime, if sentence is executed, the appeal would become infructuous. In view of that, I proceed to pass the following order:-

ORDER

i) The Criminal Application (APP) No. **429/2025** is allowed.

ii) The execution of the sentence passed in Sessions Case No. 67/2018 is hereby suspended till disposal of the appeal.

iii) The appellant - Amol Devidas Waghmare shall be released on bail on executing PR. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

iv) The present Criminal Application is **disposed of**.

CRIMINAL APPEAL (ST.) NO. 3810 OF 2025

10. The Appeal be registered.

11. On registration of the appeal, R & P be called.

12. The Appeal be listed before this Court after preparation of the paper.

(URMILA JOSHI-PHALKE, J.)